IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1004 OF 2004

Firdoz Bare .. Applicant.
Vs.
State of Maharashtra & Ors. .. Respondents.

Ms.Pinki Mathur i/b Prakash Mahadik for the applicant.
Mrs.M.H.Mhatre A.P.P. for the State.
Ms.Sartaj Shaikh for respondent nos.2 to 6.

CORAM : D.B.BHOSALE, J.

DATED : 26TH JULY, 2006

P.C.:

. Leave to amend. Amendment to be carried out forthwith.

2. Heard learned counsel for the applicant and respondent nos.2 to 6 and learned A.P.P. for the State.

3. By this application under section 482 of the Code of Criminal Procedure the applicant-wife has prayed for quashing of FIR No.89/2002 lodged by her against the respondent-accused of the offence punishable under section 498-A and 406 of I.P.C. The parties have settled the dispute amicably and have filed the consent terms before the Family Court. They are annexed to the petition at Exhibit-B. The consent terms record that the respondent-husband will pay

Rs.50,000/- in lump sum towards maintenance which includes Meher and Iddat amount. He has further agreed to pay Rs.1,00,000/- to the applicant-wife for minor daughter - Ayesha. The respondent-husband has filed affidavit stating that he has already deposited Rs.1,50,000/- as stated in the consent terms and he has no objection if the applicant is allowed to withdraw the said amount deposited in the Family Court. He has also given no objection and the consent to the applicant-wife to receive the ornaments which are in custody of Santacruz police station, seized by them under panchnama dated 3.4.2002 in the said complaint. As per the consent terms and the statement made on the affidavit custody of the daughter - Ayesha will remain with the petitioner. The affidavit filed by respondent-husband is taken on record. The parties are present in the Court. They accepted the terms of the consent terms and they have complied with the terms as aforestated. In the circumstances they have prayed for quashing of the proceedings pending before the Metropolitan Magistrate, 32nd Court, Bandra bearing C.C.No.3448/PW/2005. The Supreme Court in the case of **B.S.Joshi and Anr. Vs. State of Haryana and Anr. 2003(4) SCC 675** in similar situation in paragraph 14 and 15 of the judgment held thus:

"14. There is no doubt that the object of

> introducing Chapter XX-A containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code."
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> 15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and section 320 of the Code does not limit or affect the powers under section 482 of the Code."

4. Keeping these observations in view and considering that the parties have amicably sorted out all the differences and settled the dispute I find no reason and ground to reject the prayer made by the applicant-wife and respondent-husband. In the circumstances the complaint bearing C.C. No.3448/PW/2005 pending before the learned Magistrate, 32nd Court, Bandra, is quashed.

5. The application is, accordingly, disposed of.

(D.B.Bhosale, J.)